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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,453

10/21/2003

Arto Kiiskinen

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10/18/2006

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EXAMINER

TIMBLIN, ROBERT M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,453

Applicant(s)

KIISKINEN ET AL.

Examiner

Robert M. Timblin

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is responsive to application 10/691,453 and applicant's remarks filed 7/24/2006. Responses to remarks follow starting on page 6 of this document.

Claims 1-8 have been examined and are pending prosecution.

#### ***Response to Amendment***

##### ***Drawings***

Objections to the drawings have been withdrawn.

#### ***Claim Rejections - 35 USC § 112***

The examiner has reviewed amendments to overcome claim rejections under 35 USC 112. The changes have been accepted and therefore the rejections have been withdrawn.

#### ***Claim Rejections - 35 USC § 101***

Amendments made to claim 1 to indicate a result have been accepted as required by the Examiner. The 101 rejections therefore have been removed.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an



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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Judd et al.** (Judd hereinafter) (U.S. 7,016,963).

With respect to claims 1 and 3, in the following citations and/or figure references, **Judd** discloses a system comprising

**‘a site structure database (340, figure 3), containing data indicating how accessible content is organized (templates) at a site accessible as a wireless access protocol portal 200 by terminals of different types (devices; 305, figure 3), wherein the data includes information indicating relationships between pages of accessible content (content transformation; 110,115,120,125,130 of figure 3) and includes information indicating for each page and for each of the different terminal types (client devices and variables; 305, figure 3) a template according to which content for the page is to be provided (best fit template; col. 6 lines 12-35); and**

**a site management application for maintaining the site structure database by providing updates to the information indicating relationships between the pages and/or the information indicating for each page and for each terminal type a template (best fit template; col. 6 lines 12-35) according to which content for the page is to e provided, in response to corresponding input signals’ (client request; abstract) Client variables are evaluated against a user’s profile and supplemented with any new or changed information from the current client identification (col. 11 line 60- col. 12 line 7).**

Claim 3 contains essentially the same subject matter as that of claim 1 above but differs as being a method claim rather a system claim. Therefore claim 3 is rejected for the same reasons as set forth in the rejection of claim 1 above.

With respect to claims 2 and 4, **Judd** discloses providing access to the wireless access protocol portal and further characterized by:

**a templates data store including templates according to which content for the pages is to be provided for different terminal types'** as a template database 340 (col. 13, and fig 3).

**'a content data store including content for the pages for the different terminal types'** as content resource 330 (fig. 3).

**'a content delivery application, responsive to a request for a page from a terminal of one or another of the terminal types'** as a content transformer that formats content for outbound transmission (col. 8 line 60 to col. 9 line 2).

**for creating the requested page at runtime based on a terminal type included in the request, using information retrieved from the site structure database, information retrieved from the templates data store, and information retrieved from the content data store, all of the information indexed by information included in the request and indicating the page and the terminal type'** as indexing content resources and template database (col. 13, lines 38-52).

With respect to claims 5 and 6, **Judd** discloses **'A computer program product'** as the NIMBUS server engine (col. 9, lines 53 to col. 10 line 13).

With respect to new claim 7, **Judd** discloses a system comprising: a **site structure database** (340, figure 3), **containing data indicating how accessible content is organized** (templates) **at a site accessible as a wireless access protocol portal 200 by terminals of different types, wherein the data includes information indicating relationships between pages of accessible content** (content transformation; 110,115,120,125,130 of figure 3) **and includes information indicating for each page and for each of the different terminal types** (client devices and variables; 305, figure 3) **template according to which content for the page is to be provided** (best fit template; col. 6 lines 12-35); and

**Means for maintaining the site structure database by providing updates to the information indicating relationships between the pages and/or the information indicating for each page and for each terminal type a template** (best fit template; col. 6 lines 12-35) **according to which content for the page is to be provided, in response to corresponding input signals'** (client request; abstract). Client variables are evaluated against a user's profile and supplemented with any new or changed information from the current client identification (col. 11 line 60- col. 12 line 7).

With respect to new claim 8, **Judd** teaches a templates data store including templates according to which content for the pages is to be provided for different terminal types;

**a content data store 330 including content for the pages for the different terminal types** (client devices and variables; 305, figure 3) ; and

**means responsive to a request for a page from a terminal for one or another of the terminal types (client request; abstract), for creating the requested page at runtime based on a terminal type (client devices and variables; 305, figure 3) included in the request (client determination and device header; col. 10 line 52-col. 11 line 13) and, using information retrieved from the site structure database (340, figure 3), information retrieved from the templates data store (340, figure 3), and information retrieved from the content data store (110, figure 3), all of the information indexed by information included in the request and indicating the page and the terminal type (col. 10 line 52-col. 11 line 13).**

#### ***Response to Arguments***

Applicant's arguments filed 7/24/2006 have been fully considered but they are not persuasive.

With respect to the arguments found on pages 10-11 to independent claims 1 and 3 that the Judd references does not disclose a "site structure database," the Examiner respectfully disagrees. The reasons are set forth below.

Judd discloses a template database (drawing reference 340 of figure 3 and col. 6 lines 12-15). The best fit analyzer of Judd selects a best fit template from the template database depending on the characteristics of the device (305; device variables) (col. 6 lines 20-22). The outbound content is transformed into destination formatted content *in accordance with the best fit template* (col. 6 lines 25-30).

The applicant submitted on page 10 that content is transformed according to a best fit. The examiner submits that the content is transformed according to a best fit *template* (which is

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gathered from the template database: i.e. applicant's site structure database). As the applicant states on the top of page 10, "the site structure database therefore indicates different templates for displaying..." the examiner submits the templates of Judd's template database decide how content is *transformed* (correlating to "how content is organized").

The applicant argues further down on page 11 that there is not teaching of how to determine the best fir method or profile. The Examiner submits Judd clearly teaches this as the client variables identify the client (at least at col. 11 lines 14-22 and col. 11 lines 26-44). Once the variables are identified, the "best fit" analysis commences (col. 11 lines 26-30).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leslie Wong


Primary Examiner

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